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Laboratory Counsel
Intellectual Property
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December 11, 2009

Mail Stop Petition
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SUBJECT: Patent No. 7,025,856, Application No. 09/776,086 (S-91,756)

On October 2, 2009, our office made an attempt to pay the maintenance fee electronically for the patent shown above. The Notification of Loss of Entitlement of Small Entity Status was faxed on October 2, 2009, the same day as the payment. Apparently, we failed to fax in the Notification of Loss of Entitlement of Small Entity Status in sufficient time.

According to our Deposit Account No. 50-3074 the director has charged the deficiency for the correct fee in the amount of \$980.00 to cover the maintenance fee payment for Patent No. 7,025,856, Application No. 09/776,086.

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the claim for small entity status is hereby withdrawn.

Sincerely yours,

Bruce H. Cottrell, Reg. No. 30,620
Los Alamos National Security, LLC
LC/IP, MS A187
Los Alamos, New Mexico 87545

Cy: File

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No. 7,025,856
Issue Date: April 11, 2006
Application No. 09/776,086
Filed: April 22, 2003
Attorney Docket No. S-91,756

MNF

NOTICE

This is a notice regarding your request filed October 8, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby NOT ACCEPTED.

It appears that the petition was not properly signed by a person having authority to prosecute in the above-identified patent. Therefore, the request can not be accepted at this time.

Petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.




Patent No. 7,025,856

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Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney /agent who is registered to practice before the U.S. Patent and Trademark Office, or the assignee of the entire interest. If the request is signed by an assignee, the assignee the assignee must comply with the requirements of 37 CFR 3.73(b).

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions